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14 **IN THE UNITED STATES DISTRICT COURT**
15 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
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18 **THE STATE OF CALIFORNIA et al.,**
19 **Plaintiffs,**
20
21 **v.**
22
23 **INFINEON TECHNOLOGIES AG et al.,**
24 **Defendants**
25
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Case No.: C 06-4333 PJH

PLAINTIFF STATE OF TEXAS'S
NOTICE OF VOLUNTARY DISMISSAL
AND ORDER

27
28 Plaintiff, State of Texas, pursuant to Fed. R. Civ. P. 41(a), hereby dismisses without
29 prejudice the claims asserted by Plaintiff, State of Texas, in the above entitled action against the
30 following defendants: Infineon Technologies AG; Infineon Technologies North America Corp.;
31 Hynix Semiconductor, Inc.; Hynix Semiconductor America, Inc.; Micron Technology, Inc.;
32 Micron Semiconductor Products, Inc.; Mosel Vitelic, Inc.; Mosel Vitelic Corp.; Nanya
33 Technology Corporation; Nanya Technology Corporation USA, Inc.; Elpida Memory, Inc.;
34 Elpida Memory (USA) Inc.; and NEC Electronics America, Inc.

35 Pursuant to Fed. R. Civ. P. 41(a)(1) "an action may be dismissed by the plaintiff without
36 order of court (i) by filing a notice of dismissal at any time before service by the adverse party of

1 an answer or of a motion for summary judgment.” Civil Rule 41(a) also provides: “the dismissal
2 is without prejudice.” Fed. R. Civ. P. 41(a). Here, Defendants have not served Plaintiff, State of
3 Texas, with an answer or a motion for summary judgment.

4 Moreover, pursuant to Fed. R. Civ. P. 23(e), court approval and notice of voluntary
5 dismissal are required only of a “certified class.” Here, a class has not been certified.

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7 Respectfully Submitted,

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9 GREG ABBOTT
10 Attorney General of Texas
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13 _____ /s/

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